

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:08-CR-28 CEJ
)	
BENJAMIN MATUS-BEYLISS,)	
SALVADOR MARTINEZ-CRUZ and)	
PABLO MONTAN,)	
)	
Defendants.)	

ORDER

Pursuant to 28 U.S.C. § 636(b), the Court referred all pretrial matters in this case to United States Magistrate Judge Mary Ann L. Medler for determination and recommended disposition, where appropriate. On April 3, 2008, Judge Medler issued a Report and Recommendation with respect to the pretrial motions filed by defendants Benjamin Matus-Beyliss, Salvador Martinez-Cruz and Pablo Montan. Defendants Martinez-Cruz and Montan have filed virtually identical objections to the Report and Recommendation. No objections have been filed by defendant Matus-Beyliss, and the time allowed for doing so has expired.

Pursuant to 28 U.S.C. §636(b)(1), the Court has reviewed *de novo* the findings and recommendations of the magistrate judge as to which objection has been made. In addition, the Court has reviewed the evidence adduced at the hearing conducted by Judge Medler on March 25, 2008. After careful consideration, the Court will adopt and sustain the thorough reasoning of the magistrate judge in support of her recommended rulings.

In addition, the Court will adopt and sustain Judge Medler's factual findings in support of her recommended ruling on the motion of

defendant Montan to suppress statements. At the hearing, the government informed the magistrate judge that statements were made only by a co-defendant. Also, defendant Montan acknowledged at the hearing that he does not have standing to challenge the search of the residence of defendant Cameron Moss.

Accordingly,

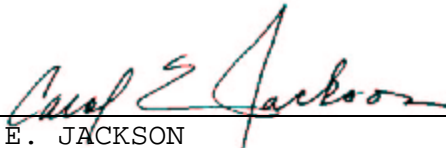
IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Mary Ann L. Medler sustained, adopted and incorporated herein.

IT IS FURTHER ORDERED that the motions of defendants Benjamin Matus-Beyliss, Salvador Martinez-Cruz and Pablo Montan for severance [Docs. 133, 159 and 162] are **denied**.

IT IS FURTHER ORDERED that the motion of defendant Montan to dismiss indictment [Doc. 132] is **denied**.

IT IS FURTHER ORDERED that the motion of defendant Montan to suppress statements [Doc. 134] is **denied as moot**.

IT IS FURTHER ORDERED that the oral motion of defendant Martinez-Cruz to suppress evidence is **denied**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 24th day of June, 2008.